COUNCIL AGENDA: 10-18-05 ITEM: 10.2



# Memorandum

TO: HONORABLE MAYOR AND

CITY COUNCIL

FROM: Stephen M. Haase

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SUBJECT: SEE BELOW

DATE: September 29, 2005

COUNCIL DISTRICT: 4 SNI AREA: N/A

SUBJECT:

GP03-04-07. General Plan amendment request to change the San Jose 2020 General Plan Land Use/Transportation Diagram designation from Medium Density Residential (8-16 DU/AC) to Medium High Density Residential (12-25 DU/AC) and a Floating Park designation on a 3.78-acre site (2.5 acres excluding right-of-way) located on the south side of Berryessa Road, approximately 740 feet east of Jackson Avenue (13060, 13100, and 13120 Berryessa Road).

## RECOMMENDATION

The Planning Commission voted 7-0-0 to recommend adoption of the proposed General Plan amendment to Medium High Density Residential (12-25 DU/AC) with a Floating Park Designation.

# BACKGROUND

On September 28, 2005, the Planning Commission held a public hearing to consider a General Plan amendment request to change the San Jose 2020 General Plan Land Use/Transportation Diagram designation from Medium Density Residential (8-16 DU/AC) to Medium High Density Residential (12-25 DU/AC) and a Floating Park designation on a 3.78-acre site (2.5 acres excluding right-of-way) located on the south side of Berryessa Road, approximately 740 feet east of Jackson Avenue.

This item is a staff initiated General Plan amendment that is part of the Housing Opportunities Study Phase III. The Planning Commission considered the subject amendment at its November 17, 2004 hearing and recommended adoption of the amendment to Medium High Density Residential (12-25 DU/AC) with a Floating Park designation. On December 7, 2004 the City Council voted to defer this General Plan amendment and direct to staff to continue working with the surrounding neighborhood, reconsider the Floating Park designation, and respond to neighborhood input to analyze the larger area incorporating the adjacent vacant site, as well as considering how to facilitate mixed use.

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After meeting with property owners of the subject property (Nola property) and the adjacent vacant site (Pepper Lane property), neighborhood representatives, Parks, Recreation and Neighborhood Services (PRNS) staff, and presenting the proposed amendment to the Parks and Recreation Commission, Planning staff revised the previous staff recommendation and no longer recommended the Floating Park designation. The reasons for the change in staff recommendation are discussed in the supplemental memo to the Planning Commission dated September 21, 2005.

# **ANALYSIS**

Upon request from the Planning Commission, Dave Mitchell of Department of Parks, Recreation and Neighborhood Services (PRNS) provided information on the existing park facilities in the project vicinity. Commissioner Levy asked whether it is an area under-served by parks and stated that this is a golden opportunity to secure parkland. Mr. Mitchell responded that the entire City is under-served by parkland. Commissioner Zito asked whether in-lieu fees would better serve the area than the acquisition of additional parkland. Mr. Mitchell responded that it is important to balance park facilities throughout the entire Council District. The in-lieu fees collected would be used to help improve the sports facilities at Flickinger Park.

#### Public Testimony

Joe Territo, property owner of the subject site, expressed support for the revised staff recommendation.

Mike Flaugher, a neighboring resident, said this is an opportunity not only for this parcel, but also for the larger surrounding vacant area. Mabury Park has been planned for a long time but hasn't been improved. This is an appropriate location for a park because it is close to existing residences. There are existing traffic issues in this area, including volume and safety. There should be a master plan for the area, at least for the street network.

Kerri Hamilton, representing the Berryessa Citizens Advisory Council (BCAC), stated that the BCAC prefers the existing General Plan designation on this site to remain. She said access to this a site is dangerous. BCAC has concerns about congestion and Berryessa Road as the access point. BCAC recommended master planning the larger area and Jackson Avenue as the access street. BCAC also had concerns about the product type and density for a future development as the site is bounded by single-family homes.

Josh LoBue from Citation Homes indicated that his company is interested in developing the subject site. He stated that a minimum of one-acre park would take up about 1/3 of the property and would be infeasible. Citation Homes intends to work with staff to provide proper setbacks from the existing single-family homes.

#### Planning Commission Discussion

In response to questions from the Planning Commission regarding master planning, especially for the street network, Public Works staff responded that traffic operational issues are not considered for a General Plan amendment request. However, the street network for the entire

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area will be analyzed at the time a Planned Development zoning or a Site Development permit is proposed. Since the project access is close to freeway ramps, the City will need to work with Caltrans to evaluate the access issues.

Commissioner Zito clarified that the Planning Commission previously recommended approval of Medium High Density Residential (12-25 DU/AC) with a Floating Park designation. If the Commission doesn't agree with staff's current recommendation, the original recommendation would remain. The question is whether to have the Floating Park designation. Commissioner James asked for clarification of whether the Floating Park is on the subject parcel or the larger area and whether the developer is responsible for in-lieu fees if the park is not on the site. Staff explained that the Floating Park designation signifies that a public park is intended within the immediate vicinity of the subject site, but does not require that the subject site itself would be the location of a future public park.

The Commissioners commented that this is a rare opportunity to secure parkland. The Planning Commission voted unanimously (7-0-0) to recommend approval of the General Plan amendment to change the land use designation to Medium High Density Residential (12-25 DU/AC) with a Floating Park designation.

## **OUTCOMES**

City Council approval of staff's recommendation would change the land use designation on the subject site from Medium Density Residential (8-16 DU/AC) to Medium High Density Residential (12-25 DU/AC). Approval of the Planning Commission's recommendation would change the land use designation to Medium High Density Residential (12-25 DU/AC) with a Floating Park designation.

#### PUBLIC OUTREACH

The property owners and occupants within a 1,000-foot radius were sent a notice of the public hearings to be held on the subject General Plan amendment before the Planning Commission on September 28, 2005 and City Council on October 18, 2005. The Department web site contains information regarding the General Plan process, amendments, staff reports, and hearing schedules. This web site is available to any member of the public and contains the most current information regarding the status of the amendments.

Additionally, staff attended the Berryessa Citizens Advisory Council (BCAC) meeting on September 12, 2005 to present updates and solicit input. Staff held a meeting with owners of both Nola and Pepper Lane properties on May 20, 2005 to discuss potential master planning of the whole vacant area. The property owners indicated no interest in such a process.

# **COORDINATION**

The review of this General Plan amendment was coordinated with the Department of Parks, Recreation and Neighborhood Services, Department of Public Works, Fire Department,

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Department of Transportation, City Attorney, Santa Clara Valley Water District, Santa Clara Valley Transportation Authority, and Parks and Recreation Commission.

# **CEQA**

The Housing Opportunities Study Phase III Environmental Impact Report was certified by the Planning Commission on November 17, 2004.

STEPHEN M. HAASE, SECRETARY

Planning Commission

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